

SENATE BILL 477

R1, M4

0lr0449
CF 0lr0450

By: **Senators Frosh, Forehand, Garagiola, King, Kramer, Madaleno, Middleton, and Raskin**

Introduced and read first time: February 1, 2010

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **State Highways – Mobile Produce Vendors – Required State Lease**

3 FOR the purpose of expanding the application of a provision of law that prohibits
4 certain food vendors from operating on a State highway right-of-way without a
5 certain State lease to include mobile produce vendors; prohibiting a mobile
6 produce vendor lessee from operating at certain locations; providing that this
7 Act does not diminish the authority of a county to license and regulate mobile
8 produce vendors; establishing certain criminal penalties for a violation of this
9 Act; providing for the enforcement of this Act; defining a certain term; making
10 certain stylistic changes; and generally relating to the operations of mobile
11 produce vendors.

12 BY repealing and reenacting, with amendments,
13 Article – Transportation
14 Section 24–301 through 24–303
15 Annotated Code of Maryland
16 (2009 Replacement Volume and 2009 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article – Transportation
19 Section 24–304
20 Annotated Code of Maryland
21 (2009 Replacement Volume and 2009 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Transportation**

25 24–301.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this subtitle the following words have the meanings indicated.

2 (b) (1) “Established place of business” means any permanent building or
3 structure from which a permanent business is conducted during normal business
4 hours throughout the year.

5 (2) An established place of business does not include a tent, temporary
6 stand or other temporary quarters, or permanent quarters occupied under a temporary
7 arrangement.

8 (c) “Mobile seafood **OR PRODUCE** vendor” means a person who sells or offers
9 for sale any seafood **OR PRODUCE**:

10 (1) While outdoors on foot;

11 (2) From any vehicle or conveyance, whether or not the vehicle or
12 conveyance is in operating condition; or

13 (3) From any tent, temporary stand, roadside stand, roadside market,
14 or other quarters that is not an established place of business.

15 (d) (1) **“PRODUCE” MEANS ANY FRUIT OR VEGETABLE PRODUCT OF**
16 **THE SOIL THAT IS INTENDED FOR HUMAN CONSUMPTION.**

17 (2) **“PRODUCE” DOES NOT INCLUDE A CANNED, FROZEN, DRIED,**
18 **OR PICKLED PRODUCT.**

19 (E) “Right-of-way” includes any highway area or highway structure and any
20 property adjacent to a highway acquired for the operation or use of the highway.

21 [(e)] (F) “Seafood” means any finfish, crustacean, or mollusk, live or dead,
22 or any part, egg, offspring, or body of any finfish, crustacean, or mollusk, that is
23 intended for human consumption.

24 [(f)] (G) “Shopping center” means any 5 or more contiguous established
25 places of business which share common parking facilities of 25 parking spaces or more.

26 [(g)] (H) “State highway” means any public highway owned by this State.

27 24–302.

28 This subtitle does not:

29 (1) Diminish any authority of Anne Arundel County, Howard County,
30 or a municipal corporation to license and regulate mobile seafood vendors;

1 (2) Apply to charitable or nonprofit vendors who sell seafood at
2 short-term festivals or other short-term events; [or]

3 (3) Apply in Calvert County and in St. Mary's County for those
4 persons selling their own **SEAFOOD** catch; **OR**

5 (4) **DIMINISH THE AUTHORITY OF A COUNTY TO LICENSE AND**
6 **REGULATE MOBILE PRODUCE VENDORS.**

7 24-303.

8 (a) When located on the right-of-way of any State highway, a mobile seafood
9 **OR PRODUCE** vendor may not sell, or offer for sale, any seafood **OR PRODUCE**, unless
10 the [mobile seafood] vendor has a lease from the State that [permits] **ALLOWS** the
11 [mobile seafood] vendor to sell, or offer for sale, seafood **OR PRODUCE**.

12 (b) A mobile seafood **OR PRODUCE** vendor may not sell, or offer for sale, any
13 seafood **OR PRODUCE**, when located:

14 (1) Within 50 yards of any vehicular entrance to or exit from a school
15 or place of worship, unless the [mobile seafood dealer] **VENDOR** has written
16 permission of the applicable school board or person who is responsible for the
17 buildings and grounds of the place of worship;

18 (2) Within 100 yards of any vehicular entrance to or exit from any
19 shopping center;

20 (3) In the parking lot of any shopping center, unless the [mobile
21 seafood] vendor has written permission of the owner of the shopping center and
22 conforms to applicable local laws and ordinances;

23 (4) Within an unsafe distance, as determined by the local authorities,
24 from the edge of any roadway;

25 (5) On any roadway; or

26 (6) On [privately-owned] **PRIVATE** property adjoining a State
27 highway, unless the [mobile seafood] vendor owns[, leases,] or **LEASES THE**
28 **PROPERTY OR** has written permission [of the] **FROM THE PROPERTY** owner [of the
29 privately-owned property].

30 24-304.

31 (a) A violation of this subtitle is a misdemeanor punishable by the penalty
32 specified in § 27-101(b) of this article.

1 (b) The charging of a person with a violation of this subtitle shall be by
2 means of a traffic citation in the form determined under § 1-605(d) of the Courts
3 Article.

4 (c) The charging of a person with a violation of this section may be
5 performed by any State or local police officer.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 June 1, 2010.